

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

BOBBY BATISTE

PETITIONER

V.

CAUSE NO. 1:22-CV-00108-SA

BURL CAIN and
LYNN FITCH

RESPONDENTS

ORDER CLARIFYING ADMISSION TO APPEAR *PRO HAC VICE*

The Court takes up this matter, *sua sponte*, to clarify the admission of Attorney Elizabeth Jane Peiffer to appear *pro hac vice* (“PHV”) in this cause. It has come to the Court’s attention that counsel in this matter misunderstands the nature of Ms. Peiffer’s role in these proceedings.

In response to a motion for appointment, the Court appointed attorneys Robert E. Lee and Robert S. Mink, Sr., to represent Petitioner in these capital habeas corpus proceedings. *See* Doc. # 6. Ms. Peiffer, however, was not included in the motion for appointment of counsel. Instead, she moved for admission to appear PHV just over a month after counsel were appointed. *See* Doc. # 11. The memorandum submitted in support of said motion explicitly represented that Ms. Peiffer would act as “associate counsel” and that her contributions to this case would be done “at a lower cost to the Court.” *See* Doc. # 12, p. 2. The Court relied on these representations in granting Ms. Peiffer’s motion. *See* Doc. # 13.

Accordingly, the Court finds it appropriate to clarify that Ms. Peiffer has been admitted to appear *pro hac vice* in this matter as associate counsel, and appointed counsel Mr. Lee is authorized to bill Ms. Peiffer’s services at a rate of \$140 per hour.¹ For purposes of correcting the docket,

¹ *See Guide to Judiciary Policy*, Vol. 7, Ch. 6, § 620.10.10(c) (providing for use of associate attorneys whose work shall be compensated at a reduced rate in order to diminish the overall cost of representation).

Ms. Peiffer is *not* a lead attorney in this matter. Counsel must ensure that the vouchers submitted in this case clearly delineate the work performed by appointed counsel and associate counsel.

SO ORDERED this, the 21st day of June, 2023.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE